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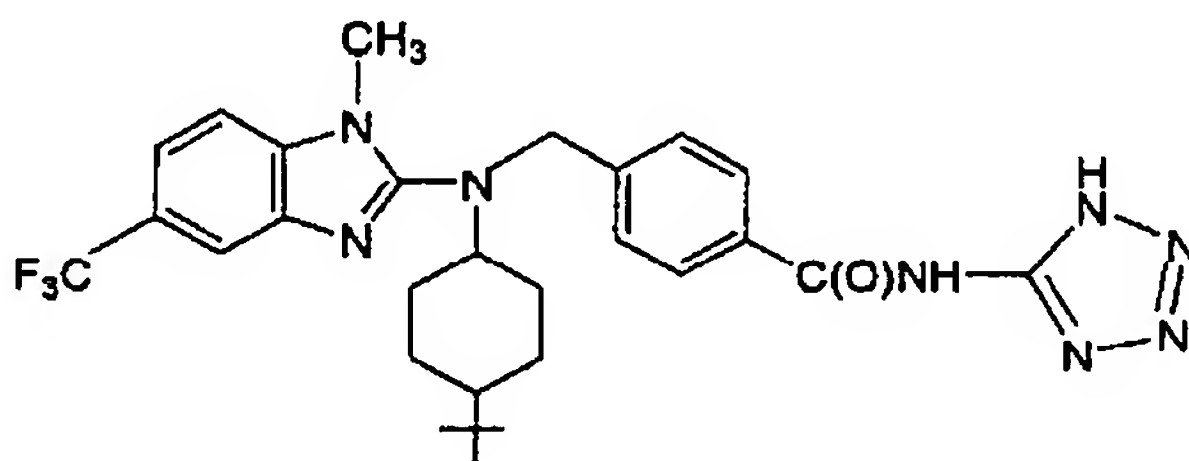
REMARKS

The Examiner has alleged that there is a lack of unity between the species disclosed, and has alleged that restriction is appropriate between the compounds (Group I, claims 1-9) and the method of use (Group II, claim 10).

Applicants elect to continue prosecution of Group I, claims 1-9. Applicants make this election with traverse as set forth below.

The Examiner also required an election of species, to which the invention will be limited if no generic claim is found allowable.

Applicants elect the following specie:



This compound is designated compound 100 in the application, and is found in the specification as originally filed on page 68. This election is for purposes of facilitating the Examiner's search of the art, and is made with the understanding that the election requirement will be withdrawn upon making a determination that an allowable generic claim exists.

Claims that read on the elected specie are claims 1-6, 8 and 9.

Applicants further respectfully request rejoinder of claim 10 as a method of treatment using the compounds of the claims. Rejoinder is appropriate after examination of the compound claims.

Applicants respectfully traverse the Examiner's allegations concerning U.S. Patent No. 6,596,751 B2 (the '751 patent), specifically the allegation that the compounds of the present invention do not constitute a contribution over the prior art. The '751 patent does not overlap with the present application, and it discloses compounds that are patentably distinct from the presently claimed compounds in several respects.

First, the benzimidazole moiety in the '751 patent is substituted with a variable group – W–. W represents a C₁-8 alkylene group. In the present application a nitrogen atom is found attached to the benzimidazole at this position.

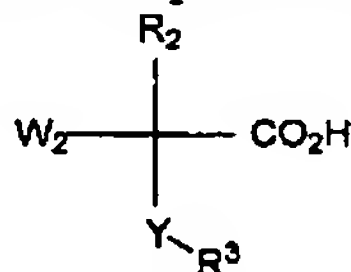
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Additionally, the group designated $-W_1-$ in the '751 patent, contains another variable, $-B-$, that represents an oxygen or sulfur atom. Again, this is not present in the presently claimed compounds and is not consistent with the claims of the present application.

Still further, there is no amide linkage, $-C(O)NR^8-$, on the phenyl ring that is attached to the variable $-B-$, in the '751 patent, as in the captioned patent application and in the presently claimed compounds. Instead, the '751 patent requires a different variable group:



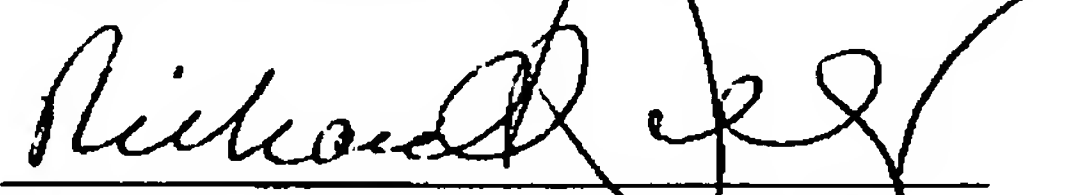
in which, as noted above, W_2 cannot represent an amide group $-C(O)NR^8-$. Instead, $-W_2-$ represents a bond or C_{1-8} alkylene, R_2 in the patent represents H, alkyl or any of several other groups; Y represents oxygen or sulfur ($S(O)_p$); R^3 represents a member from the same list as R^2 , and does not include tetrazole.

Based on the significant structural divergence described above, there is an inadequate basis to allege that the compounds of formula I do not form a contribution over the art.

It is respectfully urged that the application is in condition for allowance. Such action is respectfully requested. If the Examiner has any questions concerning this application, he is respectfully requested to telephone the undersigned.

Respectfully submitted,

By


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